

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
No. 3:22-cv-00659**

MICHAEL KERNEA and CHRISTY KERNEA,

Plaintiffs,

v.

CITY OF CHARLOTTE,

Defendant.

**DEFENDANT CITY OF CHARLOTTE'S
RESPONSE TO RENEWED MOTION TO
WITHDRAW AS COUNSEL AND MOTION
FOR A STAY OF THE PROCEEDINGS**

Ferguson Chambers & Sumter, P.A.'s (the "Firm") Renewed Motion to Withdraw as Counsel and Motion for a Stay of the Proceedings states that "counsel for the City of Charlotte has been contacted and has indicated that it does not oppose the motion." (Doc. No. 39 at 2.) It is true that the Firm contacted the undersigned in connection with the original motion and that the City did not oppose that motion. The Firm did not contact the undersigned regarding the renewed motion.

Although the City does not question, out of professional courtesy, the determination by Mr. Ferguson and the Firm that continuing to represent Plaintiffs in this matter would not be consistent with their professional obligations, the City does note that the Renewed Motion does not comply with the Court's order denying the original motion without prejudice (Doc. No. 38). The Court noted, for example, that the original motion did not state whether Plaintiffs consented to the withdrawal. The renewed motion suffers from the same defect. The Court further stated that it would not permit an indefinite stay of case deadlines. The renewed motion appears to request an indefinite stay, which the undersigned would not have agreed to at this juncture if asked given the Court's guidance that an extension for a defined period is preferable to an indefinite stay.

Ultimately, the City defers to the Court regarding whether an adequate showing has been made with respect to the motion to withdraw. If the Court permits the withdrawal, the City respectfully requests that case deadlines be extended for a period of no more than forty-five days.¹

Dated: January 10, 2025

OFFICE OF THE CITY ATTORNEY

/s/ Taylor Imperiale

Taylor Imperiale (N.C. Bar No. 61777)
Assistant City Attorney
Charlotte-Mecklenburg Government Center
600 E. Fourth Street
Charlotte, North Carolina 28202
Telephone: (980) 275-9796
Taylor.Imperiale@charlottenc.gov

Counsel for Defendant City of Charlotte

¹ Because the Firm cancelled the mediation that was scheduled for today, the deadline for a mediation report will likely need to be extended for a longer period depending on mediator availability.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was filed using the CM/ECF system, which will electronically notice all counsel of record.

Dated: January 10, 2025

OFFICE OF THE CITY ATTORNEY

/s/ Taylor Imperiale

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Taylor.Imperiale@charlottenc.gov

Counsel for Defendant City of Charlotte